



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Group Art Unit: 1714  
Camarota, et al. :  
:  
Serial No.: 09/521,074 : Examiner: J. Anthony  
:  
Filed: March 7, 2000 :  
:

For: FLAME RETARDANT AND SMOKE SUPPRESSIVE ADDITIVE POWDER  
FOR POLYMERIC THERMOPLASTICS AND THERMOSET RESINS

**PETITION UNDER 37 CFR 1.137(b) TO REVIVE APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY**

MAIL STOP: PETITIONS  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-  
1450

Date of Deposit: July 29, 2005

I hereby certify that this paper or  
fee is being deposited with the U.S.  
Postal Service as FIRST CLASS MAIL  
addressed to: Mail Stop: Petition,  
Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.

Andrew J. Curtin  
Name of Depositor

[Signature]  
Signature

Sir:

This Petition is in response to a Decision on Petition mailed  
on May 6, 2005.

**REMARKS**

This Petition is to request (i) that above referenced application, which was abandoned on January 3, 2005 due to the failure to timely pay the Issue Fee in response to a proper Notice of Allowance dated August 10, 2004, and having a response time up to and including November 10, 2004, be revived; (ii) that the \$750.00 petition fee set forth under 37 CFR 1.17(b) submitted herewith in a check for \$785.00 be accepted, (iii) that the signed Notice of Allowance Part B - Fee(s) Transmittal Form PTOL-85 mailed on August 10, 2004 and enclosed herewith be accepted; (iv) that the remaining \$35.00 of the \$785.00 check submitted herewith be applied to the issue fee as a difference between the \$665.00 issue fee paid by the Applicants in May 2004, and the current issue fee rate of \$700.00 for the small entity applicant.

- 1.) An improper Notice of Allowance and Issue Fee Due for the present application was mailed by the U.S.P.T.O. (the "Office") on March 4, 2004.
- 2.) An improper Issue Fee Transmittal was mailed by the Applicants in response to the improper Notice of Allowance and received by the Office on May 18, 2004. The Response included a check in the amount of \$665.00 (Six Hundred Sixty Five and 00/100 Dollars).
- 3.) The check in the amount of \$665.00 was deposited by the PATENT AND TRADEMARK OFFICE on May 19, 2004, for credit to the U.S. Treasury.
- 4.) A proper Notice of Allowance was mailed on August 10, 2004.

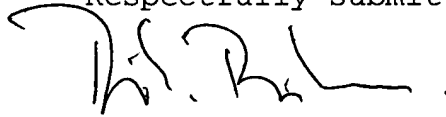
- 5.) A Notice of Abandonment was mailed by the Office on January 3, 2005.
- 6.) On March 7, 2005, the Applicants filed a Petition to Withdraw Holding of Abandonment Based on Evidence that a Reply was Timely Filed.
- 7.) On May 6, 2005, the Office mailed a Decision on Petition, which dismissed the Petition because the Applicants failed to respond to a proper Notice of Allowance mailed on August 10, 2004.
- 8.) Copies of the Notice of Abandonment, Improper Issue Fee Transmittal, and canceled check in the amount of \$665.00 (front and back) are submitted herewith.
- 9.) A check in the amount of \$785.00 for the \$750.00 Petition Fee and the \$35.00 difference between the \$665.00 issue fee paid in May 2004, and the current issue fee rate of \$700.00 is submitted herewith.
- 10.) A signed PTOL-85 Part B-Fee(s) Transmittal form from the proper Notice of Allowance is submitted herewith.
- 11.) The entire delay in responding to the proper Notice of Allowance was unintentional.
- 12.) Because the application was filed after June 8, 1995, no terminal disclaimer or disclaimer fee is required.

In view of the foregoing, it is respectfully submitted that the delay was unintentional under 37 CFR 137(b).

Accordingly, it is respectfully requested that (i) the holding of abandonment be withdrawn, and (ii) the active status of the

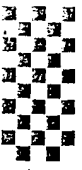
above referenced application be acknowledged.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. Brinkman', with a long horizontal flourish extending to the right.

Dirk Brinkman  
Registration No. 35,460  
Attorney for the Assignee

Address all communications to:  
John B. Herring  
AVTEC Industries, Inc.  
9 Kane Industrial Drive  
Hudson, MA 01749  
(978) 562-2300



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1420  
Alexandria, Virginia 22304-1420  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,074	03/07/2000	Anthony S. Camarota		9150

7500 01/03/2001  
Mr Anthony Camarota  
Avtec Industries  
15 Brouds Street  
Hudson, MA 01749

EXAMINER

ANTHONY JOSEPH DAVID

ART. INT. PAPER NUMBER

1714

DATE MAILED: 01/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

\_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09521074

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

COPY

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark up with any corrections or use Block 1)

7590

03/04/2004

~~Mr. Anthony Camarota~~ MR JOHN BARRY HERRING  
Avtec Industries  
~~15 Broad Street~~ 9 KANE INDUSTRIAL DRIVE  
Hudson, MA 01749

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,074	03/07/2000	Anthony S. Camarota		9150

TITLE OF INVENTION: FLAME RETARDANT AND SMOKE SUPPRESSIVE ADDITIVE POWDER FOR POLYMERIC THERMOPLASTICS AND THERMOSET RESINS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/04/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
ANTHONY, JOSEPH DAVID	1714	252-606000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. ANDREW J. CURTIN, ESQ.  
2. DIRK BRINKMAN, ESQ.  
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

AVTEC INDUSTRIES, INC. HUDSON, MA

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee☐ Advance Order - # of Copies

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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53-451-113

5/14/2004

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Commissioner For Patents and Trademarks

TWO SIGNATURES REQUIRED OVER \$2,500.00

MEMO TSWB Patent Issue Fee

*[Signature]*

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ENT=1901 TRC=1916 PR=13

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3. Restricted Delivery? (Extra Fee) ☐ Yes